AN ACT to amend Tennessee Code Annotated, Title 49,
relative to student records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "biometric record" means a record of one (1) or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including:

(1) Fingerprints;

(2) Retina and iris patterns;

(3) Voiceprints;

(4) DNA sequence, including newborn screening information;

(5) Facial characteristics; and

(6) Handwriting.

(b) Unless explicitly mandated by federal statute, a state agency or education institution shall obtain written consent from parents or students, in the case of students eighteen (18) years of age or older, before collecting any individual student data including, but not limited to:

(1) Student biometric records;

(2) Student data collected via affective computing, including:

(A) Analysis of facial expressions;

(B) EEG brain wave patterns;

(C) Skin conductance;

(D) Galvanic skin response;

(E) Heart-rate variability;

(F) Pulse;

(G) Blood volume;

(H) Posture; and

(I) Eye-tracking; and

(3) Data resulting from state or national assessments, that measure:

(A) Psychological resources;

(B) Mindsets;

(C) Learning strategies;

(D) Effortful control;

(E) Attributes;

(F) Dispositions;

(G) Social skills;

(H) Attitudes; or

(I) Intrapersonal resources.

(c) No state agency or education institution shall pursue or accept any grant, whether from the federal government or any private entity, that requires collecting or reporting any types of data in violation of subsection (b).

(d) No state or national student assessment shall be adopted or administered in this state that requires collecting or reporting any types of data in violation of subsection (b).

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.